

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1771

By: Dahm

4  
5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 2 O.S.  
8 2021, Section 6-604, which relates to the Feral Swine  
9 Control Act; expanding authorization to remove feral  
10 swine at night; exempting certain persons from  
11 licensing and permit requirements; eliminating permit  
12 requirement to remove feral swine at night;  
13 authorizing the use of motor-driven land conveyance  
14 and certain lights and equipment when removing feral  
15 swine; amending 29 O.S. 2021, Section 4-135, which  
16 relates to permits to control nuisance animals;  
17 deleting feral swine from permit requirement;  
18 amending 29 O.S. 2021, Section 5-203.1, which relates  
19 to headlighting; modifying exceptions to include  
20 removing feral swine; updating statutory reference;  
21 repealing 2 O.S. 2021, Section 6-605, which relates  
22 to special permit to kill feral swine; and providing  
23 an effective date.

24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

25 SECTION 1. AMENDATORY 2 O.S. 2021, Section 6-604, is  
26 amended to read as follows:

27 Section 6-604. A. Except as otherwise specified in the Feral  
28 Swine Control Act, any person with permission of the owner may  
29 remove feral swine from private or public property during daylight  
30 hours or at night. Any person who removes or attempts to remove

1 feral swine pursuant to this section shall not be required to obtain  
2 a license to hunt wildlife issued by the Department of Wildlife  
3 Conservation or a permit to control wildlife issued pursuant to  
4 Section 4-135 of Title 29 of the Oklahoma Statutes.

5 B. ~~Any person who intends to kill or attempt to kill feral~~  
6 ~~swine at night shall obtain a permit issued by the Department of~~  
7 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~  
8 ~~Oklahoma Statutes and promulgated rules~~ Any person who removes or  
9 attempts to remove feral swine pursuant to this section may use a  
10 motor-driven land conveyance to pursue or follow feral swine, may  
11 use a vehicle-mounted spotlight or other powerful light also known  
12 as a headlight and may use night-vision equipment that uses either  
13 image-enhancement technology or thermal-imaging technology.

14 SECTION 2. AMENDATORY 29 O.S. 2021, Section 4-135, is  
15 amended to read as follows:

16 Section 4-135. A. The Department of Wildlife Conservation is  
17 authorized to issue permits to landowners, lessees, or their  
18 designated agents and to any entity of state, county, or local  
19 government to control nuisance or damage by any species of wildlife  
20 including, but not limited to beaver, coyote, deer, bobcat, raccoon,  
21 and crow under rules promulgated by the Oklahoma Wildlife  
22 Conservation Commission. The permits may be issued without  
23 limitation by statewide season regulations, bag limits or methods of  
24 taking. A permitted landowner, lessee or a designated agent of the

1 landowner or lessee may, with a valid permit issued pursuant to this  
2 section, control the wildlife specified in this subsection ~~and feral~~  
3 ~~swine~~ at night to protect marketable agricultural crops, livestock,  
4 or processed feed, seed or other materials used in the production of  
5 an agricultural commodity.

6 B. Except as otherwise specified in this subsection, the permit  
7 to hunt at night shall be valid for a period of up to one (1) year  
8 from the date the permit was issued. Each landowner, lessee, or  
9 designated agent with a valid permit shall be required to have a  
10 current agricultural exemption permit issued by the Oklahoma Tax  
11 Commission.

12 C. Notwithstanding the provisions of Section 5-203.1 of this  
13 title, a landowner, lessee, or designated agent of the landowner or  
14 lessee with a valid permit may use a headlight carried on the person  
15 while hunting at night. Nothing in this section shall authorize the  
16 use of a headlight mounted on a vehicle or the use of a headlight  
17 from a public roadway.

18 D. Any person who has been convicted of, or pled guilty to, a  
19 violation of Section 5-203.1 or Section 5-411 of this title within  
20 the previous three (3) years shall not be eligible to receive a  
21 permit pursuant to this section. The permit ~~can~~ may be issued by  
22 the local game warden in the county for which the permit is to be  
23 used or by the Law Enforcement Division of the Department of  
24 Wildlife Conservation.

1 E. Notwithstanding the provisions of Section 1289.13 of Title  
2 21 of the Oklahoma Statutes, it shall be lawful for any private  
3 landowner or designated employee of the landowner or lessee to have  
4 a chamber-loaded firearm on property owned by the landowner, and to  
5 use the firearm for the purpose of controlling nuisance or damage by  
6 any wildlife or feral swine. Nothing in this section shall  
7 authorize any convicted felon to carry a firearm.

8 SECTION 3. AMENDATORY 29 O.S. 2021, Section 5-203.1, is  
9 amended to read as follows:

10 Section 5-203.1. A. No person may attempt to take, take,  
11 attempt to catch, catch, attempt to capture, capture, attempt to  
12 kill, or kill any deer, feral animal or other wildlife except fish  
13 and, frogs and feral swine as provided for in Section 6-604 of Title  
14 2 of the Oklahoma Statutes, by the use of a vehicle mounted  
15 spotlight or other powerful light at night, by what is commonly  
16 known as "headlighting". Provided, however, nothing in this section  
17 shall prevent one from possessing a .22 caliber rimfire rifle or .22  
18 pistol and a light carried while in pursuit of furbearers with  
19 hounds during the legal, open furbearers season, while possessing a  
20 valid hunting license.

21 B. Any person may use a shotgun, using No. 6 size shot or  
22 smaller, longbow, light and a call for the purpose of hunting  
23 predatory animals, provided that written permission is obtained from  
24 the local game warden for each twenty-four-hour period of hunting.

1 C. It shall be illegal to hunt from a boat with a firearm from  
2 sunset until one-half (1/2) hour before sunrise. This shall not  
3 pertain to hunting of waterfowl enroute from bank to blind with  
4 unloaded shotguns.

5 D. Except as otherwise provided for in this section and except  
6 when removing feral swine as provided for in Section 6-604 of Title  
7 2 of the Oklahoma Statutes, no person may harass, attempt to  
8 capture, capture, attempt to take or take, kill or attempt to kill  
9 any wildlife or feral swine with the aid of any motor-driven land,  
10 air or water conveyance. A nonambulatory person may hunt from said  
11 conveyances with written permission of the Director of Wildlife  
12 Conservation. A person may hunt from an air conveyance if issued a  
13 permit pursuant to Section ~~1 of this act~~ 4-107.2 of this title.  
14 Nothing in this section shall prevent the use of motor-driven land  
15 or water conveyances for following dogs in the act of hunting, when  
16 use is restricted to public roads or waterways. Motor-driven land  
17 or water conveyances may be used on private property for following  
18 dogs in the act of hunting with the permission of the landowner or  
19 occupant.

20 E. Employees of the Oklahoma Department of Agriculture, Food,  
21 and Forestry Wildlife Services Division and the United States  
22 Department of Agriculture Wildlife Services while engaged in  
23 wildlife management activities for the protection of agriculture,  
24

1 property, human health and safety and natural resources shall be  
2 exempt from the provisions of this section.

3 F. Any person convicted of violating the provisions of this  
4 section shall be guilty of a misdemeanor and shall be punished by a  
5 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a  
6 first offense and not less than Five Hundred Dollars (\$500.00) for a  
7 second offense or by imprisonment in the county jail for not less  
8 than ten (10) days nor more than one (1) year, or by confiscation  
9 pursuant to Section 5-402 of this title or by such fine,  
10 imprisonment and confiscation.

11 SECTION 4. REPEALER 2 O.S. 2021, Section 6-605, is  
12 hereby repealed.

13 SECTION 5. This act shall become effective November 1, 2022.

14  
15 58-2-3131 MR 1/20/2022 7:28:59 PM  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25